

ACT

TO ENCOURAGE THE

SETTLING

The NORTHEAST Part of this

ISLAND.

J A M A I C A :

Printed by Robert Baldwin, MDCCXXI.

(Price Four Ryals.)

A C T

TO ENCOURAGE THE
SEE T T L I N G



The NO T H E A S I A T I C S
I S L A N D .

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J A M A I C A :
(Price Four Shillings)

Jamaica ff.

An ACT To Encourage the Settling the North-East Part of this ISLAND.

WHEREAS the greatest part of the Tract of Land within the Bounds represented by the Plat hereunto annexed, situate in the several Parishes of St. Thomas in the East, and St. George, lies wholly unsettled, though it hath been granted by His late most Gracious Majesty King Charles the Second, in several Parcels, to divers Inhabitants of this Island, in order to settle the same, paying thereout certain Rents to His said Majesty and His Successors, for a good part whereof no Quit-Rents have been paid to His said Majesty or His Successors, from the Year of Our Lord One thousand Six hundred Ninety two, to the First Day of February, in the Year of Our Lord One thousand Seven hundred and Three, or within Eighteen Months afterwards; and the present Owners and Proprietors thereof do not reside within this Island, nor have any Effects to answer such Quit-Rents, whereby not only His Majesty is deprived of His said Quit-Rents due thereout, but also the Land lies wholly waste and uncultivated, and is thereby become a Receptacle for Runaway and Rebellious Negroes: And whereas there is good Reason to beleive, That many Persons, with their Families and Slaves, would remove hither and settle among Us, could they be secure of Land in proportion to their Families and Slaves, which would tend very much to the enriching, as well as security of this Island, and augmenting the Trade of Great Britain; for the Encouragement whereof, *Be it Enacted*, by the Governor, Council and Assembly, of this His Majesty's Island of Jamaica; And it is hereby Enacted by the Authority of the same, That all Lands within the above-mentioned Tract, whereof the Owners or Proprietors do not Reside in this Island, nor have any Effects in the same, to answer the Quit-Rents, and for which no Quit-Rents have been paid since the Feast of St. Michael the Arch-Angel, in the Year of Our Lord One thousand Six hundred and Ninety two, or within Eighteen Months after the First Day of February, which was in the Year of Our Lord One thousand Seven hundred and Three, and that have not paid Quit-Rents for the same before the beginning of this Session of Assembly, or that shall not within Thirty Days after the passing of this Act pay the Quit-Rents for the same, shall be vested

All Lands within this Tract, upon what Conditions to be forfeited.

Which the Gov. is to grant as follows,

To every white Person, being Protestant, 30 Acr. Free Mulatto, Indian or Negroe, 20 Acr. each Slave they bring 5 Acres.

No Person to have above 400 Acres, unless he has 15 white Persons in Family on it.

Must settle and plant within 6 Months after the Date of their Patent.

Persons under age, or unsound Memory, or Wom. under Coverture excepted.

Present Owners oblig'd to settle and plant in 12 Months after 20 Settlements, & an actual re-survey made or forfeit the same.

Guardians may improve and settle, and be allow'd Charges.

No Owner of Lands shall convey it to any Infant, otherwise than by Will & certain Limitations

vested in His Majesty and His Successors, for the Uses, Intents and Purposes herein after expressed: That is to say, That the Governor for the Time being do, and he is hereby empowered and obliged, to Grant all Lands forfeited, or vested by this Act, or by any other Ways or Means whatsoever, in His Majesty, His Heirs and Successors, in the manner and proportion following, (*viz.*) To every white Person, being a Protestant, that settles and dwells on the said Tract, Thirty Acres of Land; for every white Person he or she hath in Family, being also Protestants; and for every Free Mulatto, Indian, or Negroe, Twenty Acres of Land; and for each Slave he or they shall bring with them, and put and keep upon the said Tract, Five Acres of Land, and no more; Provided, That no Person, not having Fifteen white Persons in Family, that dwell thereon, shall have above Four hundred Acres in the whole, under this Proviso and Condition, That they, their Heirs or Assigns, settle and plant the same, or some part thereof, within Six Months from the Date of their Patent; and that such Patentee, or his Heirs, shall not dispose thereof in Seven Years after the Date of such Patent, either in Possession, Reversion or Remainder; Provided always, That any Person, under the Age of Twenty one Years, Woman under Coverture, or Person of unsound Memory, shall settle and plant thereon, within One Year after such Person shall attain the Age of Twenty one Years, or Woman under Coverture shall become sole, or Persons of unsound Memory shall become *Compos Mentis*.

And be it further Enacted and ordained by the Authority aforesaid, That all present Owners and Proprietors of any Land within the above-mentioned Tract, their Heirs or Assigns, shall be obliged to settle and Plant upon the same, or some part thereof, and go forward with such Settlement, without Intermision, within Twelve Months from and after such Time as Twenty Settlements shall be made within the aforesaid Tract of Land, and an actual Re-survey thereof made, or shall forfeit the same to His Majesty and His Successors, to the same Uses, Intents and Purposes, as are the Lands hereby declared forfeited, for Non-payment of Quit-Rents, and to be granted likewise in the same manner and proportion, and under the same Conditions and Proviso's as are abovementioned, touching the same; Provided always, That any Person, under the Age of Twenty one Years, Woman under Coverture, or Person of unsound Memory, shall settle and plant on the same in manner aforesaid, within one Year after such Person shall attain the Age of Twenty one Years, or Woman under Coverture, shall become sole, or Person of unsound Memory shall become *Compos Mentis*. And in order to encourage Settlements in the said Tract, *Be it further Enacted by the Authority aforesaid,* That the Guardian or Guardians of any Infants, having Lands within the said Tract, shall and may, for the Use and Benefit of such Infants, improve and settle any Parcel of Land within the said Tract, belonging to any such Infant, and that the Charge of such Improvements shall be allowed of in his or their Accounts. *And be it further Enacted,* That no Owner or Possessor of Lands, within the said Tract, shall Convey or make over the same to any Infant, otherwise than by Last Will and Testament, under any other Limitation than all the Lands to be granted within the said Tract. And whereas divers

Par-

Parcels of Land within the abovementioned Tract are become escheated, or escheatable to His Majesty, or His Predecessors, and other Parcels thereof have been surrendered back into the Crown, and some part of the said Land have never been granted out of the Crown; We, Your Majesty's most Dutiful and Loyal Subjects, the Assembly of this Your Majesty's Island of *Jamaica*, do, for the Encouragement of the settling the abovesaid Tract of Land, Humbly beseech Your Majesty, That it may be Enacted; *Be it therefore Enacted*, by Your Majesty's Governor, Council and Assembly, of this Your Island; And it is hereby accordingly Enacted, by the Authority of the same, That the Governor for the Time Being be, and is hereby empowered, and shall also be obliged to Grant in His Majesty's Name, His Heirs and Successors, all Lands within the abovementioned Tract, vested in Your Majesty, by any of the last above-mentioned Ways or Means, in the same manner and proportion, and under the same Proviso's and Conditions as is above-mentioned, concerning the Land forfeited, or to be forfeited by this Act, for Non-payment of Quit-Rents. And whereas by an Act, Entituled, *An Act for preventing of Law-Suits*, It is, amongst other Things thereby Enacted and Declared, That in all Writs of Escheat thereafter to be granted, the Provost-Marshal be commanded to enquire, by a Jury of Twelve Free and Lawful Men, upon their Oaths (they then being on the Premises) the true Value of all and singular the real Estate which any Persons so dying without Heirs was at the Time of his Death seized of; And whereas it appears both difficult and expensive for a Jury to go on several Parts of the above-mentioned Tract of Land, *Be it therefore Enacted by the Authority aforesaid*, That that part of the said Clause relating to the Juries being on the Premises, when they are to find an Escheat, be, and is hereby suspended, for the Space of Three Years, for and in Respect to any Escheats hereafter to be found within any of the above-mentioned Tract of Land only; and that it shall and may be lawful to and for the Provost-Marshal, upon any Writs of Escheat, to Issue within Three Years next after the passing this Act for any Lands within the said Tract, to summon a Jury in any of the Three Towns of St. Jago de la Vega, Port-Royal and Kingston, to enquire if the said Land be escheated to the King, and shall return such Inquisition to the then next Grand-Court; upon which Inquisition and Return, if found for the King, Judgment shall pass for the King, unless a Traverse be then entered, which Traverse shall be tried the next Court after, and Judgment affirmed.

And be it further Enacted by the Authority aforesaid, That whensoever Judgment shall pass for the King, upon any such Writ of Escheat, to Issue within the Time aforesaid, and for any Parcel of Land within the said Tract, the said Land shall be, and is hereby declared to be absolutely Vested in His Majesty, His Heirs and Successors, to the Use, Intents and Purposes in this Act mentioned; and that such Judgment shall be, and it is hereby declared to be a perpetual Bar to all Persons whatsoever, having or pretending to have or Claim any Right or Title to the same, any Thing in this Act, or any other Law, Custom, or Usage to the contrary in any wise notwithstanding. *And be it Enacted by the Authority aforesaid*, That for a further Encouragement of Settling the abovementioned Tract of Land, all Lands hereafter to be granted within the same, in pursuance and by Virtue of this Act, shall be acquitted and discharged of and from all Arrearages of Quit-Rents due for the same, to the Date of the respective Patents; and all Grants and Patents to be granted of any Land within the said Tract shall be without Fee or Reward, or other Charge, any Law, Custom, or Usage to the contrary in any wise notwithstanding. *And it is further Enacted*, That all Settlers within the said Tract shall be freed from all manner of Taxes and Charges both General and Parochial whatsoever, for the space of Seven Years, Quit-

Rents

The Governor empowered to grant all Lands within that Tract vested in His Majesty, under the same Proviso's as above.

Juries being on the Premises when they are to find an Escheat is suspended for 5 Years.

Provost-Marshal may summon a Jury in any of the 3 Towns to enquire if the Land be escheated to the King.

When Judgment shall pass for the King, it is declared a perpetual Bar to any Claim, Right or Title.

All Lands shall be discharged from all Arrearages of Quit rents from the Date of their Patents, and granted without Charge, and the Settlers free from all Taxes for 7 Year, except Quit-rents.

A Refurvey
to be made
within 12
Months, or
not exceed-
ing 18.

And record-
ed in the Se-
cretary's
Office in 3
Months aft-
er finishing.

All Present
Owners to
pay their
proportion
of Charge of
such refur-
vey.

A Party to
attend the
Surveyors.

Fifty Acres
to be laid
out for a
Town, 45
front, & 90
foot of Land
deep, be
granted to
those who
will build
thereon.

The Recei-
ver-Gen. to
pay the Sur-
veyors, and
the Passages
of such as
shall have
Land there,
if requir'd,
and supply
them and
Slaves with
Provisions
for 6 Months

The Road
from Plan-
tain Garden
River to the
River Gran-
de to be laid
open.

Rents only excepted. *And be it further Enacted by the Authority aforesaid,* That for the better ascertaining the Respective Bounds to the several Parcels of Land heretofore granted within the abovementioned Tract, a Refurvey be made, by Jonathan Shaw, Michael Rivers, and Nicholas Holst, Surveyors, or any Two of them, within Twelve Months from the Passing of this Act, or as soon after as conveniently may be, not exceeding Eighteen Months in the whole; and in case of the Death or Inability of any Two of them, then by any such other Surveyor or Surveyors as the Governor for the Time being shall appoint, which Refurvey shall be returned, under the Hands and Seals of the said Surveyors, or any Two of them, and Recorded in the Secretary's Office of this Island, within Three Months after the finishing the said Refurvey; which said Refurvey, so recorded as aforesaid, shall be conclusive to, and ascertain the Bounds of each individual Plat between Party and Party within that Tract. And that after such Refurvey made and recorded, all Present Owners and Proprietors in the abovementioned Tract, their Heirs and Assigns, shall pay their several and respective Proportions and Shares of the Charge of such Refurvey to such Surveyors; and, in order to compleat the same, the Governor or Commander in Chief, is hereby empowered to appoint such a Party or Parties of Men to attend the said Surveyors, or Barrack them near the said Settlements as he shall think fit, and that Fifty Acres of Land be reserved and laid out by an East and West Line for a Town to be built at Pattison's Point; and that the Governor for the Time Being is hereby empowered, and shall be obliged to grant to all Merchants and Traders, and their Heirs, that may be willing to build within the said Town; and to all and every Person or Persons, and their Heirs, who shall make any Settlement within the abovementioned Tract of Land, Forty five Foot in front, and Ninety Foot of Land deep, in the said Town. And for a further Encouragement for People to come and Settle on the said Tract of Land, *Be it Enacted by the Authority aforesaid,* That the Receiver-General for the Time being shall, out of any Fund or Funds in his Hands unappropriated, disburse and pay the said Surveyors, according to the Laws of this Country, for their Labour and Pains in and about the said Refurvey; and also, shall disburse and pay the Passages of all such as have or shall come over to Settle on the Encouragement of this Act, on the said Tract of Land, as shall require it, and likewise Supply sufficient Plantation Provisions for them and their Slaves for Six Months, or borrow Money at Interest, not exceeding Twelve Pounds *per Cent.* for Interest for the said Uses, which shall come over within Two Years, which said Sums so to be expended or borrowed by him, shall be allowed or made good by this or any future Assembly. And whereas it would tend much to the Encouragement of People to Settle on the said Tract of Land, to have the Path or Road from Plantain-Garden-River to the River Grande cleared and opened, and be a mighty Discouragement to the Rebellious and Run-away Slaves, residing and Inhabiting within that Tract of Land; *Be it Enacted by the Authority aforesaid,* That a Road or Path be laid out, or the Old Road or Path be cleared and kept open, at the Joint Charge of both the Parishes of St. Thomas in the East, and St. George; and that the Justices and Vestry of each Parish do immediately proceed to the Clearing of the said Old Road, or the laying or clearing of a New one, so as to make the same passable both for Man and Horse. And whereas it is necessary for the safety and protection of such as shall come and Settle on the said Tract of Land, that there should be a sufficient and proper Tract of Land together and adjacent, Vested in His Majesty, His Heirs and Successors, for the Uses aforesaid, to lye most convenient for the Reception of the said Settlers.

AND

AND whereas the following Parcels of Land near PORT-ANTONIO and RIVER GRANDE, (*Viz.*) One thousand Acres formerly belonging to Whitgift Aylmer, but surrendered; One thousand fifty Acres, lately belonging to Nicholas Smith; One hundred and Eighty Acres lately belonging to John Shewell; Two hundred and Ten Acres to John Cope; and adjacent to which Two last Parcels, are One thousand Acres of King's Land, Three hundred Acres lately belonging to R - - Fidler; One thousand Acres to Nicholas Smith, sold Lord Vauhan; One thousand and Ninety four Acres to Richardson, sold to Edward Stanton, but recovered by Nicholas Richardson; One thousand Acres lately belonging to Francis Mingam; One thousand Acres to John Moon; One thousand Acres lately belonging to Edward Halsted, but measures Two or Three thousand Acres, now in the possession of Mr. Lawrence Halsted; Anthony Yates One hundred and Eighty Acres; Roger Stevenson One hundred and sixty Acres; John George Four hundred and fifty Acres; William Gray Three hundred Acres; Robert Weston One hundred and Eighty Acres, and also several Parcels of Land bounded on RIO-GRANDE; John White One thousand Acres; William Vincent Five hundred and Ten Acres; Thomas Mastyn Five hundred Acres; John Yeomans Two hundred and Ten Acres; Nicholas Smith Five hundred Acres; Thomas Pearson One thousand Five hundred Acres; William Womach Five hundred and sixty Acres; Jane Williams Four hundred Acres; Reginald Wilson One thousand Acres; John Ashley Sixty Acres; Capt. Howard Two hundred and Ten, *viz.* One hundred and Twenty, and Ninety Acres; George Gallop One thousand Acres; William and John Doves One thousand Acres; Sir Charles Littleton One thousand and Three hundred Acres; Captain Nicholas Smith One hundred Acres.

Parcels of Land near Port-Antonio and River Grande adjacent, & proper to be vested in His Majesty.

Be it therefore enacted by the Authority aforesaid, That Ezekiel Gomersal, Peter Beckford, and Andrew Arcedeckne Esqs; shall, and are hereby appointed Commissioners to treat with the Owners and Attornies, and agree for the Price of all and every the said recited Parcels of Land that are not already vested, or shall not hereafter be vested in His Majesty, by Forfeiture, Escheat, or otherwise, as aforesaid; And upon such Agreement made, and Report to the Receiver-General, he is hereby required and empowered to pay for the same, out of any Fund or Funds unappropriated, or raise Money at Interest, at Twelve Pounds *per Cent. per Annum*, which shall be made good to him by this or any future Assembly; which said Land so to be purchased from and after the Payment of the said Purchase-Money, shall be, and are hereby declared to be vested in His Majesty, His Heirs and Successors, to such Uses, Intents and Purposes as are the Lands forfeited or forfeitable by this Act for Non-payment of Quit-Rents, and to no other Use or Purpose whatsoever; Provided, That not above a Fifth part of the said last mentioned several Parcels of Land shall be granted to any Person or Persons residing in this Island. And whereas a few Persons are already come to this Island, on the Encouragement of the Governor's Letter, to settle amongst Us, which is since considered by the Assembly, and by them resolved, That as they have been here some Time on Expence, that an Allowance be granted them, that they may the better quit themselves of their present Engagements of Abode, as well as enabling them to Discharge their Debt, otherwise they can't embrace the Opportunity of settling at PORT-ANTONIO, now given by this Act. *Be it therefore enacted by the Authority aforesaid,* That the Receiver-General, immediately after the passing this Act, do pay unto the Commissioners herein before appointed, a Sum not exceeding One hundred Pounds, out of the Money now arising by virtue of an Act, Entituled, *An Act to impose Duties on several Commodities, to defray the extraordinary Charges of the Government, and applying the same to several Uses*, passed in the Year of Our Lord One thousand Seven hundred and Twenty, by them to be distributed amongst such new Comers as the said Commissioners shall think necessary, for the purpose aforesaid.

Commissioners to treat with the Owners.

Receiver-Gen. to pay for the same.

One Fifth only of the above Parcels of Land to be granted to the Inhabitants of this Island.

A Sum not exceeding 100 l. for the few Persons already come.

July 22. Passed the Council
ROBERT BAILLIE, Sec.

July 22. 1721. I Consent,
NICHOLAS LAWES.

July 19. Passed the Assembly,
George Modd, Speaker.

F I N I S.

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